

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
-vs- ) Case No. 18 CR 105  
 )  
ADAM SPRENGER, ) Chicago, Illinois  
 ) February 15, 2019  
 ) 10:01 a.m.  
Defendant. )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JOHN J. THARP, JR.

APPEARANCES:

For the Plaintiff: UNITED STATES ATTORNEY'S OFFICE  
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For the Defendant: THOMAS C. BRANDSTRADER, ATTORNEY AT LAW  
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1 (Proceedings heard in open court:)

2 THE CLERK: U.S.A. v. Sprenger, 18 CR 105.

3 MS. GREENING: Good morning, Your Honor. Kelly  
4 Greening on behalf of the United States.

5 MR. BRANDSTRADER: Good morning, Judge. Thomas  
6 Brandstrader, B-r-a-n-d-s-t-r-a-d-e-r, for Mr. Sprenger who is  
7 to my left.

8 THE COURT: Good morning.

9 Good morning, Mr. Sprenger.

10 THE DEFENDANT: Good morning, Your Honor.

11 THE COURT: All right. We're here for a change of  
12 plea hearing.

13 Ready to go forward?

14 MR. BRANDSTRADER: Yes, Judge.

15 THE COURT: Mr. Sprenger, we're going to go through a  
16 process here this morning that is required in order for me to  
17 make certain determinations that I must make in order to  
18 accept a plea of guilty to any of the charges that you're  
19 facing in this case. In order to go through this process, I'm  
20 going to have to ask you quite a few questions here this  
21 morning. It's important that you understand the questions and  
22 you answer the questions truthfully and accurately because I  
23 need your truthful and accurate answers in order to make the  
24 determinations that I need to make as to whether I can accept  
25 a plea of guilty.

1           You also need to answer these questions truthfully  
2 and accurately because you're going to be put under oath, and  
3 it can be a crime to answer or provide false information in  
4 response to my questions. So you don't want to do that.

5           And, third, it's important to understand that the  
6 answers that you give me to these questions will be used  
7 against you because this process, if I end up accepting your  
8 plea of guilty, will result in my entry of an order finding  
9 you guilty of the crime based on this hearing today.

10           So when I ask you these questions, if you need  
11 clarification, you don't understand something, you need to  
12 speak up, let your lawyer know. If you want to just -- if you  
13 understand the question but you think you need to talk to your  
14 lawyer before responding, just let him know that, and I'll  
15 give you the opportunity to do that. All right?

16           THE DEFENDANT: Yes, Your Honor.

17           THE COURT: All right.

18           Ms. Rone, would you please swear in Mr. Sprenger.

19           (Defendant sworn.)

20           THE COURT: All right. Mr. Sprenger, what's your  
21 full name?

22           THE DEFENDANT: Adam Westin Sprenger.

23           THE COURT: All right. And how old are you, sir?

24           THE DEFENDANT: 37.

25           THE COURT: And before you were taken into custody,

1     what city did you live in?

2             THE DEFENDANT:  Arlington Heights.

3             THE COURT:  Have you lived in the Chicago  
4     metropolitan area for quite some time?

5             THE DEFENDANT:  Yes.

6             THE COURT:  Are you married?

7             THE DEFENDANT:  No.

8             THE COURT:  Do you have children?

9             THE DEFENDANT:  No.

10            THE COURT:  What's the highest level of formal  
11     education you have completed?

12            THE DEFENDANT:  Graduated high school.

13            THE COURT:  Okay.  And so I take it you're able to  
14     read and write English?

15            THE DEFENDANT:  Yes.

16            THE COURT:  All right.  Before you were taken into  
17     custody, were you employed?

18            THE DEFENDANT:  Yes.

19            THE COURT:  Doing what kind of work?

20            THE DEFENDANT:  I was an Uber driver, and I was  
21     working at a restaurant.

22            THE COURT:  Were you food preparation, server?

23            THE DEFENDANT:  Server.

24            THE COURT:  Do you feel like you're in good physical  
25     health?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you presently taking any prescription  
3 medications of any sort?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: What sort of medications?

6 THE DEFENDANT: Gabapentin for nerves and Prozac.

7 THE COURT: Okay. And are those being prescribed by  
8 a mental health professional?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. And you're periodically  
11 consulting with that professional, I take it?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. Do the medicines that have been  
14 prescribed for you interfere in any way with your ability to  
15 think clearly?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do they affect your judgment in any way?

18 THE DEFENDANT: No, sir.

19 THE COURT: All right. Do you feel that they prevent  
20 you or that you should not make very important decisions while  
21 you're taking that medication?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: In fact, do you find that medication is  
24 actually beneficial to your ability to function normally?

25 THE DEFENDANT: Yes.

1 THE COURT: Other than the mental health medications,  
2 are you on any other prescription medications?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Other than the mental health medications,  
5 have you had any other drugs or alcohol in the last 24 hours?

6 THE DEFENDANT: No.

7 THE COURT: Is there any reason that you don't feel  
8 capable mentally or physically this morning from going forward  
9 with this hearing?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: All right.

12 Mr. Brandstrader, do you have any reason to doubt  
13 Mr. Sprenger's competence to enter a plea of guilty?

14 MR. BRANDSTRADER: No objection.

15 THE COURT: Ms. Greening?

16 MS. GREENING: No, Your Honor.

17 THE COURT: All right. I do find that Mr. Sprenger  
18 is competent to enter a plea of guilty based not only on the  
19 substance of his responses to the Court's questions but also  
20 his demeanor and attentiveness here in court. It's clear to  
21 the Court that he understands the questions and the nature of  
22 the proceeding and is responding appropriately.

23 Mr. Sprenger, who is the attorney who has been  
24 representing you in this case?

25 THE DEFENDANT: Mr. Brandstrader.

1           THE COURT: All right. Have you had enough time to  
2 talk to Mr. Brandstrader about this case generally?

3           THE DEFENDANT: Yes, Your Honor.

4           THE COURT: Have you had enough time to talk with him  
5 more specifically about what we're doing here this morning?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: Pleading guilty to some of these charges?

8           THE DEFENDANT: Yes, Your Honor.

9           THE COURT: Are you satisfied with the advice and  
10 counsel that Mr. Brandstrader has given you in the course of  
11 his representation?

12          THE DEFENDANT: Yes, Your Honor.

13          THE COURT: Is there anything you think he should  
14 have done for you as your attorney that he has not done for  
15 you?

16          THE DEFENDANT: No, sir.

17          THE COURT: All right. I'm sure Mr. Brandstrader has  
18 talked to you about what it means to plead guilty and the  
19 rights that you will be giving up by pleading guilty, but we  
20 need to make this a matter of record to be sure that you  
21 understand that going through this process, if I accept your  
22 guilty plea, you will have surrendered and waived very  
23 important significant rights that you would otherwise have.  
24 And everything I'm going to talk to you about starts with the  
25 fundamental proposition that even though you're in custody

1 now, even though you're facing criminal charges, under the  
2 law, you are presumed to be not guilty of those charges. What  
3 that means is you have no burden to prove that you are not  
4 guilty. The law presumes that you are not guilty, and it  
5 places the burden of proof on the government. Do you  
6 understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: So the government must prove that you are  
9 guilty, and they must do that by presenting evidence that is  
10 sufficient to prove you guilty beyond a reasonable doubt.  
11 That's what the government's burden is. Do you understand  
12 that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. And the way that the -- that we  
15 would go about assessing whether the government's evidence  
16 would prove you guilty beyond a reasonable doubt is we would  
17 have a trial, a jury trial in all likelihood. You have an  
18 absolute right to have a trial by jury. Do you understand a  
19 jury is just a group of citizens who have been called to  
20 listen to the evidence and the instructions of law that apply  
21 in a case and decide, make that decision of whether the  
22 evidence proves you guilty of an offense beyond a reasonable  
23 doubt? That's what a jury is. Do you understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. Now, if we had a trial, it would



1 be in a public courtroom, probably this one since this case is  
2 assigned to me. You have the right to counsel throughout the  
3 trial, and that public trial, the government can't take you  
4 and haul you off somewhere and try you in secret. It would  
5 take place in a public courtroom where friends, family, media,  
6 anybody else who was interested in the case would have the  
7 opportunity to observe the proceedings. Do you understand  
8 that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. Now, during -- the trial would  
11 begin with the selection of the jury, and you and your  
12 attorney would play a very big role in determining who gets to  
13 sit on that jury for several reasons. We would call a group  
14 of people in, probably 40 people, maybe more than that, in as  
15 possible jurors, and we would question those folks and get  
16 information from them in order to determine whether they could  
17 be fair and impartial jurors in this particular case. Your  
18 lawyer would get to have a very big part in that because he  
19 would submit questions to the Court that we would ask these  
20 people to determine what kind of information we were going to  
21 get from them. In some cases he may even be able to question  
22 jurors directly himself.

23 Based on the information that we get from those  
24 jurors, if you and your attorney thought someone on the basis  
25 of the information we have about them would not be a fair and

1 impartial juror, Mr. Brandstrader could make what are called  
2 challenges for cause, which are just objections that say,  
3 Judge, this person isn't going to be fair and impartial; they  
4 should not be permitted to sit as a juror in this case. And  
5 if I agreed with those objections, I would strike that  
6 individual, and they would not be permitted to be part of the  
7 jury. Do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: The other thing to understand about  
10 challenges for cause is there's no limit to the number of  
11 challenges for cause that you and your attorney could make.  
12 If we brought 40 people in and Mr. Brandstrader thought that  
13 half of them weren't going to be fair and impartial, he could  
14 make, you know, 20 challenges for cause. He could make 40 if  
15 he thought no one would be fair and impartial. The odds are I  
16 wouldn't agree with all of those challenges, but if I did, we  
17 would have to bring more people in until we got a jury  
18 consisting of 12 people who could be fair and impartial  
19 jurors. Do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. Now, there's another kind of  
22 challenge that you would be able to make in the course of jury  
23 selection, and that's called a peremptory challenge. And a  
24 peremptory challenge is even more powerful than a challenge  
25 for cause because you can exercise a peremptory challenge to

1 strike people from the jury pool for almost any reason at all.  
2 The only reason you can't use a peremptory challenge to strike  
3 someone is if you're doing so on an unconstitutional basis,  
4 meaning you can't strike someone with a peremptory challenge  
5 because of their race or their religion or their gender or  
6 their national origin, for example. There's probably several  
7 other categories, but apart from those unconstitutional  
8 reasons, you can use a peremptory challenge to strike someone  
9 for any other reason at all. You just think somebody has got  
10 a bad attitude based on their demeanor or their responses,  
11 they don't want to be here, they don't want to give up a week  
12 or more of their life to sit on the jury in this case, or you  
13 think there's something going on in their life, they're  
14 distracted, their spouse is in the hospital or something and  
15 they're not going to pay attention, you think they're too  
16 dumb, you think they're too smart, too rich, too poor,  
17 anything other than those unconstitutional reasons, you can  
18 use a peremptory challenge to strike someone. Do you  
19 understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. Because they're so powerful, you  
22 don't get -- unlike challenges for cause, you don't get an  
23 unlimited number of peremptory challenges, but you would have  
24 at least ten to exercise in picking the jury. So if we had 40  
25 people in here and you could strike ten of them for almost any

1 reason at all, that would wipe out 25 percent of the jury pool  
2 right there, and I would have essentially nothing to say about  
3 that. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. So between peremptory challenges  
6 and challenges for cause and participating in the questioning  
7 of the jurors, that's why I say you and Mr. Brandstrader would  
8 play a very big role in ultimately deciding who gets to sit on  
9 the jury. Do you understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Okay. Once we pick the jury, then it  
12 would be the government's -- that would be the point the  
13 government has to present its evidence. They would do that by  
14 calling witnesses, by presenting tangible items of evidence if  
15 there were documents. This case may involve photographs,  
16 videos, things like that. The government has the right to  
17 present that evidence. What is important for you to  
18 understand is your attorney has the right to challenge the  
19 introduction of any of that evidence if there's some legal  
20 basis to say the jury shouldn't be permitted to consider that  
21 evidence. And I would listen to those challenges, and I would  
22 rule on those challenges. Do you understand you have the  
23 right to challenge the government's introduction of evidence?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. The other way you could

1 challenge the government's evidence is through  
2 cross-examination of the witnesses that the government calls.  
3 Any witness the government calls and questions during the  
4 trial your attorney has the right to cross-examine. It just  
5 means to ask questions himself of those witnesses. Do you  
6 understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Now, once the government presented its  
9 evidence, as the defendant in the case, you have the right,  
10 but not the obligation, to present any evidence that you think  
11 might help convince the jury that you're not guilty. You  
12 don't have to present evidence because as I told you at the  
13 outset, you don't have a burden of proof. The government has  
14 the burden of proof. But if you have evidence that you think  
15 would help convince the jury that you're not guilty, you have  
16 the right to present that evidence under the same rules and  
17 procedures that the government presents its evidence. Do you  
18 understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. There's another kind of evidence  
21 that you can -- you have the right to present if you wish, and  
22 that's your own testimony. During the trial, you would have  
23 the right to testify in your own defense if you chose to do  
24 so. You would also have the right not to testify if that was  
25 your decision. Do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: All right. Now, a couple of things to  
3 understand about that.

4 First, the decision about whether to testify or not  
5 testify in the case is a decision that no one can make for  
6 you. That is your decision to make. Mr. Brandstrader is an  
7 experienced attorney, and he would give you the benefit of his  
8 experience and his counsel about whether he thought it was  
9 wise for you to testify in the case or not. But at the end of  
10 the day, if you disagree with him, it's your decision to make,  
11 not his. Do you understand that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: All right. Now, in making that decision,  
14 if you decided at the -- that you wanted to testify, the jury  
15 would be instructed that they should consider your testimony  
16 just like the testimony of any other witness in the trial, and  
17 you would be subject to cross-examination just like any other  
18 witness at trial. Do you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Okay. On the other hand, if you decided  
21 not to testify, the jury would be instructed that they can't  
22 hold that decision against you or use that decision against  
23 you in any way, meaning they can't think to themselves or say  
24 to each other you know what? If Mr. Sprenger is not guilty of  
25 these charges, he would have taken the witness stand, taken an

1 oath, and he would have told us he was not guilty. They can't  
2 do that. Do you understand that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And they will be told they can't do that.  
5 In fact, they will be told and instructed as a matter of law  
6 they can't even discuss the fact that the defendant chose not  
7 to testify if that was your decision. Do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. The other thing I want to make  
10 sure you understand about the evidence in the case is both  
11 sides, the government and the defense, have the right to issue  
12 what are called trial subpoenas. And those are just court  
13 orders that if you thought, for example, that there was some  
14 witness out there who could testify and would be of benefit to  
15 your defense but they weren't willing to come in and testify  
16 voluntarily, Mr. Brandstrader could issue a trial subpoena  
17 which I would enforce that would require that individual to  
18 come in and testify or require an individual to come in and  
19 produce physical evidence that they might have in their  
20 possession. Do you understand you have the right to issue  
21 trial subpoenas?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. Now, once all of the evidence in  
24 the case had been presented, the lawyers would make their  
25 closing arguments, and then it would be time for the jury to

1 deliberate, meaning they would be instructed on the law that  
2 applies to the charges in the case. They would go back to the  
3 jury room, and they would consider the evidence that was  
4 presented at trial and make the determination of whether that  
5 evidence was sufficient to prove you guilty of any of the  
6 charges beyond a reasonable doubt. And the important thing to  
7 understand about the jury and its deliberations is in order to  
8 come back into the courtroom and say we have a verdict and we  
9 find Mr. Sprenger guilty of any charge, the jury would have to  
10 unanimously agree that the evidence was sufficient to prove  
11 you guilty of that charge beyond a reasonable doubt. So if  
12 even one juror was not convinced beyond a reasonable doubt,  
13 the jury could not bring a verdict back against you. Do you  
14 understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: There are no 7-5 or 11-1 verdicts in  
17 criminal cases in federal court. Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Now, let's say for the sake of discussion  
20 that we had a jury trial and the jury came back with a verdict  
21 of guilty on one or more of the charges that you're facing.  
22 At that point, even at that point, your rights would not be  
23 over because you have the right to appeal the jury's verdict.  
24 You have the right to counsel to help you with that appeal,  
25 which means that you have the right to make arguments to the



1 Court of Appeals that something improper happened during the  
2 trial, that you didn't get a fair trial, or maybe that even  
3 just that the evidence wasn't sufficient to prove you guilty  
4 beyond a reasonable doubt.

5           You have the right to a lawyer to help you make those  
6 arguments, and if the Court of Appeals agrees that you didn't  
7 get a fair trial, they might order another trial to be held.  
8 You go back to square one. If there were certain mistakes or  
9 errors made during the course of a trial, they might even  
10 decide the indictment has to be dismissed; this man can't be  
11 retried, and he must be acquitted. That doesn't happen very  
12 often, but that's possible relief that you can get on an  
13 appeal. Do you understand that?

14           THE DEFENDANT: Yes, Your Honor.

15           THE COURT: You understand when we conclude this  
16 process this morning, if I accept your guilty plea, none of  
17 that is going to happen. You understand that?

18           THE DEFENDANT: Yes, Your Honor.

19           THE COURT: All right. And because we're not going  
20 to have a trial, there's not going to be any trial errors to  
21 appeal from. So in pleading guilty, you're limiting the scope  
22 of any of appeal that you might be able to make at the  
23 conclusion of this case. Do you understand that?

24           THE DEFENDANT: Yes, Your Honor.

25           THE COURT: The only thing you would be able to

1 appeal from this case would be what we're doing now, the  
2 process we're going through now, and whatever sentence might  
3 get imposed ultimately in the case. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. Now, what I've just described to  
6 you is a jury trial. There's another kind of trial I have to  
7 tell you about, and that's called a bench trial. And a bench  
8 trial operates with one major exception just like a jury  
9 trial, and that exception is in a bench trial, we don't pick a  
10 jury. We don't have a group of 12 people listening to the  
11 evidence and making the determination about the adequacy of  
12 the evidence. In a bench trial, the judge that presides over  
13 the case does that.

14 You don't have a right to a bench trial; you have the  
15 right to ask for a bench trial if that's how you wanted to  
16 resolve the charges against you. And if you asked for a bench  
17 trial, the government -- the government has to agree to a  
18 bench trial. They could object. The judge also has to agree.  
19 But if all of those parties were in agreement, then there  
20 could be a bench trial, and the charges could be resolved in  
21 that manner. Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. All right.

24 Do we have the plea agreement?

25 MS. GREENING: Yes, Your Honor.

1 THE COURT: Could you give that to Mr. Brandstrader?

2 MS. GREENING: Yes.

3 THE COURT: Mr. Brandstrader, would you show  
4 Mr. Sprenger the last page of that plea agreement.

5 All right. Mr. Sprenger, is that your signature  
6 above your typewritten name?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: All right. Now, before you signed that  
9 plea agreement, did you have an adequate opportunity to review  
10 it?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you have enough time to discuss it  
13 with your lawyer?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Have any questions about that plea  
16 agreement answered by your attorney?

17 THE DEFENDANT: Ask that --

18 THE COURT: Did you have enough time to have any  
19 questions you had answered?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you have any lingering questions about  
22 what's in that plea agreement or anything that it provides?

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: All right. Did you sign that plea  
25 agreement voluntarily?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Did anyone force you to sign that plea  
3 agreement?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: All right. Now, you understand in that  
6 plea agreement that you are making an agreement, really a  
7 contract with the government, and part of your performance of  
8 that contract is to plead guilty to Count One and -- or excuse  
9 me --

10 MS. GREENING: Counts One and Four, Your Honor.

11 THE COURT: One and Four.

12 MS. GREENING: And there's also a stipulated offense,  
13 which is Count Two.

14 THE COURT: Okay.

15 So you are agreeing to plead guilty to Count One and  
16 Count Four of the indictment. And you've admitted facts that  
17 are the basis for the charge that is reflected in Count Two of  
18 the indictment, but you're not technically pleading guilty to  
19 that count. Do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. And do you understand that,  
22 again, if we get to the end of this process and I accept your  
23 plea of guilty and I find you guilty of the charge that you  
24 could be sentenced to -- up to the maximum penalties that are  
25 provided by law for convictions on the charge set forth in

1 Count One and the charge set forth in Count Four? Do you  
2 understand that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. I want to make sure you  
5 understand what those maximum penalties are.

6 Count One, which charges a violation of 18 U.S.C. §  
7 2251A, which says that you knowingly employed and used a minor  
8 to engage in sexually explicit conduct for the purpose of  
9 producing a visual depiction of such conduct, a conviction on  
10 that crime carries a maximum sentence of 30 years of  
11 imprisonment and a mandatory minimum sentence of 15 years of  
12 imprisonment. Do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. In addition to a term of  
15 imprisonment between 15 and 30 years, there's also a maximum  
16 fine that can be imposed in addition to the term of  
17 imprisonment of up to \$250,000. Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: In addition to the term of imprisonment  
20 and a fine, there's also a term of what's called supervised  
21 release that could be imposed after your term of imprisonment  
22 concludes. And that term of supervised release has to be at  
23 least five years and could be for the rest of your life. Do  
24 you understand that?

25 THE DEFENDANT: Yes, Your Honor.

1           THE COURT: And on top of all of that, I have to  
2 impose what's called a special assessment of \$100 on each  
3 count of conviction. So on top of all of the other stuff on  
4 Count One, there would be that special assessment. Do you  
5 understand that?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: Now, with respect to Count Four of the  
8 indictment, which charges you with a violation of Title 18 of  
9 the United States Code, Section 2252A(a)(5)(B), which the  
10 essence of which is the knowing possession of material that  
11 contained images of child pornography, including images that  
12 involved prepubescent minors and minors who had not reached  
13 the age of 12 years, the penalties that could be imposed for a  
14 conviction under that count include a term of imprisonment of  
15 up to 20 years, a maximum fine of up to \$250,000, a period of  
16 supervised release of at least five years and up to life, and,  
17 again, a special assessment of \$100. Do you understand that?

18          THE DEFENDANT: Yes, Your Honor.

19          THE COURT: All right.

20          Ms. Greening, any questions about the maximum  
21 penalties as I've recited them of which I'm relying on the  
22 plea agreement?

23          MS. GREENING: No, Your Honor. Just paragraph 7,  
24 subparagraph f outlines a statute that's specific to this  
25 particular type of crime, which is Title 18, United States

1 Code, Section 3014 indicating that the defendant would be  
2 assessed an additional \$5,000 per count of conviction if the  
3 Court determines at sentencing that he is a nonindigent  
4 person.

5 THE COURT: Okay. So that would be part of the  
6 maximum penalties as well, this fine of \$5,000. Is that just  
7 on Count One?

8 MS. GREENING: It's each count, Your Honor.

9 THE COURT: Each count. So there would be at least a  
10 \$10,000 fine that could be imposed if I conclude that you're  
11 not indigent. Do you understand that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And also you should be aware, on top of  
14 everything that I've just described to you, that it's  
15 mandatory that restitution be awarded in this case in some  
16 amount. Do you understand that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. Now, I gave you the maximum  
19 penalties that could be imposed on each count of conviction.  
20 I gave you those penalties separately. But do you understand  
21 that because you're pleading guilty to both counts, those  
22 penalties can be aggregated and for the maximum penalty are  
23 aggregated so that the maximum penalty that you can ultimately  
24 face in this case is a sentence of up to 50 years'  
25 imprisonment, a minimum sentence of 15 years, a maximum fine

1 of up to \$500,000, a period of supervised release of at least  
2 five years and special assessments totaling \$200 in addition  
3 to the restitution and the \$10,000 fine that we just talked  
4 about. Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. Now, those are the maximum  
7 penalties. That doesn't mean those are the penalties that  
8 will be imposed. We don't know what -- the penalties that  
9 will be imposed, what the sentence in this case will be at  
10 this point because I don't have the information necessary to  
11 make the judgment about the appropriate sentence at this  
12 point. Do you understand there's not going to be a sentence  
13 imposed today?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. We have to go through a process to  
16 get me the information that I need in order to determine the  
17 appropriate sentence. The way we do that is through the  
18 preparation of what's called a presentence investigation  
19 report. That's a report that's compiled by the probation  
20 office that gives me information about you, your background,  
21 your education, your health, your financial situation, your  
22 childhood, your employment history, any criminal history,  
23 things like that. It also gives me information about the  
24 offenses that you've pled guilty to, and it also provides a  
25 preliminary calculation of the advisory sentencing guideline



1 range that is applicable in this case.

2 Have you had a chance to talk with Mr. Brandstrader  
3 generally about the sentencing guidelines and the role that  
4 they play in sentencing?

5 THE DEFENDANT: I have, Your Honor.

6 THE COURT: A couple of things I want to make sure  
7 that you understand about the guidelines.

8 The guidelines, I am required to calculate the  
9 advisory sentence under the guidelines, and I am required to  
10 make that calculation and to consider that calculation as a  
11 factor in deciding the sentence to impose. But I am not  
12 required to impose the sentence that is suggested by the  
13 guidelines. Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: I may decide -- the guidelines, in other  
16 words, are one factor among many factors that I'm required to  
17 consider in assessing the appropriate sentence. I might  
18 decide the guideline range is just right. I might decide, for  
19 whatever reason, that it's too high. I might also decide it's  
20 too low. And so at this point, you could -- you know, I have  
21 the discretion to sentence you to anything up to those maximum  
22 penalties that I've described. Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Now, we don't know what the  
25 advisory sentencing guideline is going to be yet because I

1 need to get that presentence investigation report. Your  
2 lawyer and the government need the opportunity to review that  
3 report and comment on it, and then I have to review it and  
4 consider their comments and ultimately make the decision about  
5 what the advisory guideline range is. But as it stands right  
6 now, the government and Mr. Brandstrader have some idea of  
7 what they think the guideline range will be. And so it's  
8 important I think to consider and understand before you plead  
9 guilty what that range may be because I am required to take  
10 the range into account.

11 So, Ms. Greening, what is the government's  
12 preliminary view as to what the guideline calculation in this  
13 case will yield?

14 MS. GREENING: Your Honor, the anticipated total  
15 offense level is 43, which when combined with the anticipated  
16 criminal history category of I results in a sentencing  
17 guidelines range of life imprisonment. But because the  
18 statutorily authorized maximum sentence is 50 years under  
19 guideline 5G1.1(a), the guideline sentence would be 50 years'  
20 imprisonment.

21 THE COURT: All right.

22 And, Mr. Brandstrader, are there issues that would  
23 affect the guideline calculation that you believe at this  
24 point will be in dispute?

25 MR. BRANDSTRADER: Yes, Judge, there will be one or

1 two enhancements. Obviously we have to wait to see how the  
2 probation department looks at it before we file anything. But  
3 I understand the preliminary calculations, Judge, and I'm not  
4 going to lodge an objection today, but we're not in total  
5 agreement with them.

6 THE COURT: Okay.

7 So, Mr. Sprenger, there may be some disputes about  
8 the calculation of the guideline range. Those won't get  
9 resolved ultimately until the sentencing hearing in this case  
10 that takes place a number of months down the road. But at  
11 this point, the government thinks the sentence is going to  
12 be -- the guideline range sentence is going to be 50 years in  
13 prison. Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: If that's the guideline range that I  
16 determine, I have to take that into account, but, again,  
17 that's only advisory. It's not binding on the Court. Do you  
18 understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. Now, the sentence that is  
21 imposed in this case is obviously the most significant  
22 consequence to being convicted of these charges. It's not the  
23 only consequence, however, and I want to make sure that you  
24 understand that.

25 Under the law, the law places various restrictions on

1 people who have been convicted of felonies apart from, you  
2 know, whatever sentence is imposed in their case. Common  
3 examples are folks who have been convicted of felony offenses  
4 lose their right to possess a firearm, may not be able to  
5 vote, can't sit on a federal jury. Those are common examples.  
6 There are many, many restrictions like that that are imposed  
7 by the federal government, by state governments, by city  
8 governments. There's way too many restrictions like that for  
9 me to tell you about all of them. But if you have concerns  
10 about those kinds of restrictions, another one that you should  
11 be cognizant of and be aware of is there are -- particularly  
12 for folks who have been convicted of crimes of a sexual nature  
13 that there are many restrictions that are placed on the civil  
14 liberties of people who have those kinds of convictions even  
15 after they've served any sentence that was imposed in the  
16 case. If you have any concerns about those kinds of  
17 consequences, those need to be addressed and thought about and  
18 considered before you enter a plea of guilty because once  
19 you've entered a plea of guilty and I find you guilty and we  
20 get to sentencing or after sentencing or sometime down the  
21 road and you say, I didn't realize that I wasn't going to be  
22 able to do this, or I was going to have to do this as a result  
23 of these convictions, had I known that, I wouldn't have pled  
24 guilty. It's going to be too late to go back and undo that  
25 plea. You understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: So if you have any questions along that  
3 front, you need to research them and discuss them with your  
4 attorney before pleading guilty. Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay.

7 We have no immigration consequences?

8 MR. BRANDSTRADER: No, Judge.

9 THE COURT: All right.

10 Now, one of the determinations I have to make, as I  
11 mentioned at the outset, Mr. Sprenger, is I have to make -- in  
12 order to accept your plea of guilty, I have to make a  
13 determination that you are, in fact, guilty of the crimes that  
14 you wish to plead guilty to. You can't just plead guilty to a  
15 crime in order to get a better deal. In order to plead guilty  
16 and have your plea accepted, I have to make a determination  
17 that you are, in fact, guilty of those crimes.

18 Mr. Brandstrader, would you show Mr. Sprenger -- it  
19 starts on page 2?

20 MS. GREENING: Yes.

21 THE COURT: On page 2 of the plea agreement, you see  
22 the heading there that says about halfway down the page  
23 "factual basis," Mr. Sprenger?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. And that factual basis

1 continues for several pages, all the way through about halfway  
2 down the page on page 8. Are you with me?

3 MR. BRANDSTRADER: Yes, Judge.

4 THE COURT: Okay. Now, do you understand, again, in  
5 this plea agreement that you've entered into with the  
6 government that that factual basis is essentially a written  
7 confession of why you're guilty of the charge in Count One,  
8 why you're guilty of the charge in Count Four, and also  
9 confesses to committing other conduct that will be considered  
10 at sentencing in this case? Do you understand that's the  
11 nature of what that factual basis is?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: All right. And understanding that's  
14 essentially a written confession to conduct that will support  
15 the convictions in this case, are you completely satisfied  
16 that everything that is set forth in that factual stipulation  
17 in the plea agreement is completely 100 percent accurate?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Before you signed the plea agreement, did  
20 you have the opportunity to go through that factual basis very  
21 carefully?

22 THE DEFENDANT: I did, Your Honor.

23 THE COURT: And did you go through it very carefully?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Along the way, before final izing the

1 plea agreement, did you have the opportunity to make changes  
2 to that factual basis to correct anything that you thought was  
3 not perfectly accurate?

4 THE DEFENDANT: I didn't need to.

5 THE COURT: All right. But you had that opportunity?

6 THE DEFENDANT: I did, yes.

7 THE COURT: And you found from the get-go that it was  
8 completely accurate?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. So you have no quibbles at  
11 all with the factual statements that are made in that factual  
12 basis?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: All right.

15 Ms. Greening, I'm going to ask the government to  
16 summarize, and that being the operative word in view of both  
17 the length and specific nature of the statements that are  
18 conceded and made by the defendant in the factual basis, I  
19 would ask the government to provide a brief summary of what  
20 its evidence at trial would consist of and show if this case  
21 were to go to trial.

22 Mr. Sprenger, I want you to listen carefully to  
23 Ms. Greening because when she's finished, I'm going to ask you  
24 if anything she's told me you disagree with.

25 THE DEFENDANT: Okay.

1 THE COURT: Ms. Greening.

2 MS. GREENING: With respect to Count One, the  
3 government's evidence at trial would show that on or about  
4 March 21, 2015, Mr. Sprenger traveled from Illinois to a hotel  
5 in Wisconsin with individual A and her four minor children who  
6 included victim A. Victim A was 14 years old at the time.

7 The evidence would show that in that hotel room in  
8 Wisconsin, on or about March 22nd of 2015, Mr. Sprenger used a  
9 Samsung Galaxy cellular phone to take at least seven sexually  
10 explicit photographs of victim A while she was sleeping. The  
11 photographs included sexually explicit conduct.

12 THE COURT: And just to be clear, the sexually  
13 explicit conduct was not of victim A but was of Mr. Sprenger,  
14 correct?

15 MS. GREENING: That's correct, Your Honor.

16 Mr. Sprenger, individual A, victim A and the other  
17 minor children stayed at that hotel until the next day,  
18 March 23rd of 2015, at which time they returned to Illinois.  
19 He brought -- Mr. Sprenger brought with him back to Illinois  
20 that Samsung Galaxy cellular phone that contained the sexually  
21 explicit images. He then stored those images to a USB drive  
22 which he kept in his residence in Illinois.

23 Turning to Count Four, the evidence at trial would  
24 show that Mr. Sprenger possessed approximately 64 images of  
25 child pornography on a USB drive which was manufactured



1 outside of the United States; 66 images and 387 videos of  
2 child pornography on a micro SD card which was manufactured  
3 also outside of the United States, in the Philippines; 64  
4 images of child pornography on an HP laptop computer which was  
5 manufactured in China; and a second HP laptop computer. The  
6 images and videos of child pornography that Mr. Sprenger  
7 possessed on these devices included images and videos of  
8 children who were as young as toddlers and included  
9 sadomasochistic conduct. Each of these items were found in  
10 Mr. Sprenger's home.

11 Turning to the facts that support Count Two, the  
12 evidence at trial would show that on or about April 7th of  
13 2017, Mr. Sprenger took four videos of victim B while victim B  
14 was sleeping in the state of Illinois. Victim B was 13 years  
15 old at the time. The videos included sexually explicit  
16 conduct. Mr. Sprenger then stored those four videos onto a  
17 micro SB card which was manufactured in the Philippines.

18 On or about November 14th of 2017, Mr. Sprenger  
19 communicated with an individual who, unbeknownst to  
20 Mr. Sprenger, was an undercover law enforcement officer over  
21 an application called Kik Messenger. During that  
22 communication, Mr. Sprenger and the UC, or the undercover law  
23 enforcement officer, had a discussion about sexually explicit  
24 conduct that Mr. Sprenger had engaged in, and Mr. Sprenger  
25 then sent to the UC a video over Kik Messenger, specifically

1 video 4, which is the subject of Count Two.

2 THE COURT: All right.

3 Mr. Sprenger, anything that Ms. Greening has told me  
4 that you take issue with?

5 THE DEFENDANT: No, sir.

6 THE COURT: All right.

7 On the basis of Mr. Sprenger's responses to my  
8 questions, the very detailed factual stipulation that is  
9 included in the plea agreement and the government's proffer of  
10 what its evidence at trial would show, I do find there is a  
11 factual basis to support pleas of guilty to Count One and  
12 Count Four of the indictment in this case.

13 All right. The last thing we have to cover,  
14 Mr. Sprenger, is I've asked you some of these questions in  
15 relation to the plea agreement itself, but now I'm asking more  
16 generally with respect to your decision to plead guilty.

17 Do you feel that anyone has forced you in any way to  
18 plead guilty to any of these charges?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: All right. Has anyone threatened you in  
21 any way to -- threatened you or anyone you care about in any  
22 way in order to coerce you in some fashion into pleading  
23 guilty?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Has anyone promised you anything -- well,

1 let me back up.

2 As I've already said, this plea agreement is a  
3 contract between you and the government. And it has  
4 agreements the government has made; it has agreements that you  
5 have made. Putting any promises or agreements that are  
6 included in the plea agreement to one side, has anyone  
7 promised you anything else in order to induce you to plead  
8 guilty to any of these charges?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Has anyone promised you what your  
11 sentence will be in this case?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: All right. And you understand for the  
14 reasons we've already talked about no one could possibly make  
15 that promise to you because I'm going to be sentencing you,  
16 and I don't have any idea what your sentence will be at this  
17 point. Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: All right. You understand that the final  
20 decision as to what your sentence will be rests with me, and  
21 that I may sentence you to a longer period or a shorter period  
22 than you may expect?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Are you entering these pleas  
25 voluntarily?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you entering them because you have  
3 decided that it's the best course and the appropriate course  
4 for you to take?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: All right. The next question then I'm  
7 going to ask you, Mr. Sprenger, is how you wish to plead to  
8 Count One of the indictment and how you wish to plead to  
9 Count Four of the indictment. If you tell me that you to wish  
10 to plead guilty to one or both of those charges, I'm going to  
11 accept that plea of guilty, and I'm going to find you guilty  
12 of those charges, and that's the point of no return. You will  
13 have crossed the Rubicon. It's too late to turn back at that  
14 point. Do you understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: All right.

17 Then, Mr. Sprenger, how do you wish to plead to  
18 Count One of the indictment in this case?

19 THE DEFENDANT: Guilty, Your Honor.

20 THE COURT: And how do you wish to plead to  
21 Count Four of the indictment in this case?

22 THE DEFENDANT: Guilty, Your Honor.

23 THE COURT: All right.

24 Since you acknowledge that you are, in fact, guilty  
25 as charged in Count One and Count Four of the indictment in

1 this case, you've had the assistance of counsel, you've been  
2 advised of your trial rights, we've talked about the maximum  
3 possible punishment and the sentencing process that has to  
4 take place, and you've acknowledged that you are freely and  
5 voluntarily pleading guilty, I will accept your pleas of  
6 guilty and enter a finding of guilty on your plea as to  
7 Count One and Count Four of the indictment in this case.

8 All right. So you have now been found guilty of  
9 those charges, Mr. Sprenger. As I said, the next step in the  
10 process is the preparation of that presentence investigation  
11 report. Mr. Brandstrader will continue to represent you and  
12 advise you in connection with that process and at sentencing.  
13 It's important for you to cooperate with that process going  
14 forward.

15 Mr. Brandstrader, you need to contact probation  
16 promptly to advise them of the entry of the guilty plea.

17 Ms. Greening, I'll ask that the government's version  
18 of the offense be submitted to probation within 14 days.

19 Any defendant's version that the defendant wishes to  
20 present should be presented within -- submitted to probation  
21 within seven days after the government's version.

22 We will set sentencing for about four months down the  
23 road.

24 THE CLERK: June 18th.

25 THE COURT: Is that date convenient?

1 THE CLERK: 2:00 p.m.

2 MS. GREENING: Your Honor, I apologize. I'm going to  
3 be on trial that week. Is there any way to move it to the  
4 week before or after?

5 THE COURT: The week after, Alberta. Am I here?

6 THE CLERK: I'm thinking that you're not. Hold on.

7 MR. BRANDSTRADER: Before I start, Judge, my son is  
8 getting married in Colorado the next week. I don't think I'm  
9 going to be available. Sorry.

10 THE COURT: All right. You're out, Mr. Brandstrader,  
11 the week of the 24th?

12 MR. BRANDSTRADER: Yes, Judge.

13 THE COURT: And, Ms. Greening, you're out the week of  
14 the 17th?

15 MS. GREENING: Yes, Your Honor.

16 THE COURT: All right. Then let's go -- then we run  
17 into the 4th of July. Is it going to interfere with anyone's  
18 travel -- let's just do -- why don't we go to, say, July 10th,  
19 2:00 p.m. Does that work?

20 MS. GREENING: Yes, Your Honor.

21 MR. BRANDSTRADER: Yes, Your Honor.

22 THE COURT: Sentencing set for July 10th at 2:00 p.m.  
23 Sentencing memoranda are due 14 days before that date. Any  
24 response or objection to the other side's submission are due  
25 seven days prior to that date. The sentencing order that

1 comes out today will direct the probation office to provide  
2 counsel with the -- with probation's sentencing recommendation  
3 at the same time probation provides that recommendation to the  
4 Court.

5 Please read the order that comes out today carefully  
6 because it prescribes what content is required to be included  
7 in the sentencing memoranda and provides other significant  
8 information to counsel.

9 Anything else we need to address?

10 MS. GREENING: For the record, Your Honor, would you  
11 like me to pass up the signed copy?

12 THE COURT: Yeah. If you would hand that to my  
13 courtroom deputy, we'll get that on the docket.

14 THE CLERK: Thank you.

15 THE COURT: All right. Anything else?

16 MR. BRANDSTRADER: Judge, if I might, and I don't  
17 know if this is even an issue, my client is at Kankakee. He  
18 is going to -- runs the AA therapy. He has a therapist there  
19 that he's got a very good relationship. He's asking if the  
20 Court can, that he remain there until the sentencing date. He  
21 has been told that guys get moved up to the MCC. It's  
22 happened once or twice in my experience. But he is concerned  
23 about leaving his therapist and the group that he runs in the  
24 jail.

25 THE COURT: In the first instance, talk with the

1 marshals about that. You know, usually the requests are  
2 running the other way, of people wanting to get to the MCC  
3 from other places. So I doubt there should be any problem  
4 with leaving him -- is he at Kane County?

5 MR. BRANDSTRADER: Kankakee.

6 THE COURT: Kankakee. So I doubt that there's going  
7 to be a problem. But if at some point the marshals think they  
8 need to move him, you can come in on a motion, and we can talk  
9 about it.

10 MR. BRANDSTRADER: Thank you, Judge.

11 THE COURT: But, again, usually things are moving the  
12 other direction, or the problem is the other direction, so I  
13 don't anticipate a problem there.

14 MR. BRANDSTRADER: Agreed. Thank you.

15 THE COURT: Anything else?

16 MR. BRANDSTRADER: Nothing, Judge.

17 THE COURT: All right. Thank you.

18 MS. GREENING: Thank you.

19 (Which were all the proceedings heard.)

20 CERTIFICATE

21 I certify that the foregoing is a correct transcript from  
22 the record of proceedings in the above-entitled matter.

23 */s/Kelly M. Fitzgerald*

*January 14, 2020*

24 \_\_\_\_\_  
25 Kelly M. Fitzgerald  
Official Court Reporter

\_\_\_\_\_  
Date